

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL DELEON, ET AL.,

Defendants.

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NO. 15-CR-4268-JB

**DEFENDANTS' MOTION IN LIMINE REGARDING ALIAS NAMES, MONIKERS
AND/OR A/K/A**

COMES NOW, Defendant Edward Troup, by and through undersigned counsel, and joined by all Defendants. Defendants submit this Motion *in Limine* Regarding Alias Names, Monikers and/or "A/K/A" and request a hearing prior to the voir dire examination of the jury.

Defendants respectfully request that the Court order the government not to mention, refer to, or attempt to elicit in any manner, any evidence that any of the Defendants charged in the indictment or any witness testifying or mentioned otherwise is known by alias names, monikers or "A/K/A" in the trial of this cause in the presence of the jury until a hearing has been held outside the presence of the jury to determine the following:

1. Whether the witness offering such testimony has personal knowledge of such facts, and if that information is lawfully admissible into evidence.

The defense submits that any information obtained by any government witness can only be elicited upon examination, if the witness has direct personal knowledge of the fact in question. Specifically, under Rule 801 and 802 of the Federal Rules of Criminal Procedure, the Sixth Amendment to the United States Constitution, and *Crawford v. Washington*, 124 S.Ct. 1354 (2004), the

government is prohibited from eliciting hearsay from any of its witnesses, including expert witnesses that cannot be adequately cross examined by the defense.

2. Whether such testimony has relevance apart from mere character conformity. *See* FED. R. EVID. 403, 404.

3. Whether the inherent prejudice substantially outweighs the probative value, if any there be. *See* FED. R. EVID. 403.

Undersigned counsel Cori Harbour-Valdez corresponded via email with Assistant United States Attorney Maria Armijo on November 29, 2017. Ms. Armijo represented the government is opposed to the instant motion and the relief requested herein.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court order the government not to mention, refer to, or attempt to elicit in any manner, any evidence that any of the Defendants charged in the indictment or any witness testifying or mentioned otherwise is known by alias names, monikers or “A/K/A” in the trial of this cause in the presence of the jury until a hearing has been held outside the presence of the jury to determine the admissibility thereof.

DATED: December 1, 2017.

Respectfully submitted,

/s/ Cori A. Harbour-Valdez
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&

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Counsel for Edward Troup (3)

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2017, I caused the instant motion to be filed with the Clerk of the Court using the CM/ECF system that will serve all other parties entitled to service and notice.

s/Cori A. Harbour-Valdez
Cori A. Harbour-Valdez